

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RONNIE R. DUKE,)
vs.)
Plaintiff,)
MICHAEL J. ASTRUE,) Case No. 09-cv-0632-MJR
Commissioner of Social Security,)
Defendant.)

MEMORANDUM AND ORDER

Reagan, District Judge:

In this action pursuant to 42 U.S.C. § 405(g), Plaintiff Duke sought judicial review of a final decision made by the Commissioner of the United States Social Security Administration denying Duke's claim for disability insurance benefits and supplemental security income. On March 4, 2010, pursuant to the parties' joint motion for remand and in accord with the fourth sentence of 42 U.S.C. § 405(g), the Court reversed the Commissioner's decision and remanded the matter for further administrative proceedings. Judgment was entered in favor of Plaintiff Duke on March 4, 2010.

Now before the Court is the parties' joint motion for attorney fees, filed March 8, 2010. The Equal Access to Justice Act "entitles a party that prevails in litigation with the United States (including proceedings for judicial review of agency action) to attorneys' fees 'unless the court finds that the position of the United States was substantially justified.'" *United States v. Thouvenot, Wade & Moerschen, Inc.*, - F.3d -, 2010 WL 547901, *1, quoting 28 U.S.C. § 2412(d)(1)(A).

Having carefully reviewed the record before it, the Court finds the motion for attorney's fee award well taken, finds the amount requested appropriate and reasonable, **GRANTS** the motion (Doc. 27), and **DIRECTS** the Commissioner to pay \$1,500.00 in attorney's fees. The Commissioner shall pay the \$1500.00 directly to Plaintiff's counsel, attorney Richard D. Murray, Jr., pursuant to his written agreement with Plaintiff, referenced in the parties' joint motion.

IT IS SO ORDERED.

DATED March 10, 2010.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge